

## DECISION RECORD

for

Travis Tyrrell Seed Orchard Insect Control

Environmental Assessment No. EA-03-018

United States Department of the Interior  
Bureau of Land Management  
Eugene District

### BACKGROUND

The Eugene District of the Bureau of Land Management (BLM) has analyzed a proposal for insect control at the Travis Tyrrell Seed Orchard in an environmental assessment (EA-03-018). The Tyrrell Seed Orchard is a centralized tree seed orchard designed to provide genetically improved Douglas-fir seed for BLM's Coos Bay, Roseburg and Eugene districts and for nine private timber and seed companies. Protecting cone crops from insect damage is necessary in order to meet the seed need for the BLM and private cooperators. The purpose of the action is to control cone insects which cause damage and seed loss to orchard cone crops. There is a need for control of cone insects in eight seed production units (70 acres) in February and March, 2004. The EA considered a Proposed Action (Application of Imidacloprid by Capsule Injection), Application of Esfenvalerate Insecticide by Aerial Helicopter, and the No Action Alternative.

### DECISION

Based on the analysis contained in the EA, I have decided to implement the insecticide proposal with the Proposed Action (Application of Imidacloprid by Capsule Injection), herein known as the "selected action".

The following mitigation/conservation measures will be applied to prevent undesirable impacts to the adjacent environment, nearby neighbors, private property, and orchard workers.

- A job hazard analysis (JHA) will be developed to provide a detailed description of orchard jobs and associated risks involved with pesticide use and application. It will identify requirements for personal safety equipment, training, and certification to perform specific tasks.
- A Worker Protection Standard for the use of imidacloprid will be developed to identify

project specific safety procedures.

- A pesticide safety plan will be developed which identifies project specific safety procedures.
- Pesticide applicator licensing and training will be used as a quality control measure. Training and testing of applicators covers laws and safety, protection of the environment, pesticide handling and disposal, pesticide formulations and application methods, calibration of devices, use of labels and data sheets, first aid, symptoms of pesticide exposure, and other activities.
- Material Safety Data Sheets will be posted at storage facilities and made available to workers. These provide physical and chemical data, fire and reactivity data, specific health hazard information, spill or leak procedures, instructions for worker hygiene, and special precautions.
- Appropriate protective clothing will be worn by all workers. At a minimum, the type and amount of protective clothing listed on the pesticide label will be used. For imidacloprid this would include: long-sleeved shirt and long pants, shoes plus socks, chemical-resistant gloves and protective eyewear.
- Workers who know they are hypersensitive to pesticides will not be assigned to application projects. Workers who display symptoms of hypersensitivity to pesticides during application will be reassigned to other duties.
- Warning signs will be posted to discourage public entry into treated areas.

## **ALTERNATIVES CONSIDERED**

The alternatives considered included the proposed action (Application of Imidacloprid by Capsule Injection), Application of Esfenvalerate Insecticide by Aerial Helicopter, and the No Action Alternative. A complete description of the alternatives, analyzed in detail, is contained in the EA (page 3).

## **REASONS FOR THE DECISION**

Considering public comment, the content of the EA, and the management direction contained in the RMP, I have decided to implement the selected action as described above. My rationale for this decision follows:

- The selected action provides the best means to address the need as stated in the EA (pages 1-2). The encapsulated delivery system of this pesticide minimizes human and environmental exposure (EA pages 3-4).

- The selected action is consistent with applicable land use plans, policies, and programs (EA page 2).

## **PUBLIC INVOLVEMENT**

Copies of the EA and draft FONSI were made available to the public for review and comment between August 27, 2003 and October 3, 2003. Three comments were received. Responses were sent to the three parties and are included as follows:

### Comments from Jan Wroncy and Response from BLM:

*Comment: Necessary to comply with the EIS which is still not final: Issuing yearly Environmental Assessments (Tyrrell EA in 2000, 2001, 2002, and 2003) because the BLM is impatient does not satisfy NEPA requirements. An EIS is necessary for these activities (using pesticides and chemical fertilizers) at Tyrrell Seed Orchard, and the BLM must wait until the EIS process is complete before implementing the actions that the EIS contemplates.*

Response: The draft EIS for Integrated Pest Management analyzes a long-term program of pest management at the Tyrrell Seed Orchard, whereas the proposed action analyzed in this EA is for a single application of a single pesticide in a specific and limited project area. As you stated, the Environmental Impact Statement (EIS) for Integrated Pest Management at Tyrrell Seed Orchard is not expected to be completed until early-to-mid 2004, making it necessary to address the immediate issue of cone insect control for spring 2004 in this environmental analysis (EA). A decision on this site-specific proposed action will not prejudice the ultimate decision on the pest management program contemplated in the draft EIS, and this EA analysis demonstrates that the proposed action would have no significant impact and, therefore, no EIS is required for this site-specific action.

*Comment: Lack of documentation required by NEPA: No where does the Draft EIS for IPM of the Seed Orchards mention the use of imidacloprid or the formula Imicide®. The Risk Assessment for the Tyrrell (and 3 other) Seed Orchard done by Labat-Anderson, Inc. does not analyze the impacts and risks of using imidacloprid or Imicide®. The Risk Assessment does NOT assess the risk to the public, to workers, and/or the environment including to endangered species, or to non-target species from the use of imidacloprid by any means.*

Response: Neither Imicide® or imidacloprid were analyzed in the Risk Assessment (RA) completed in spring 2002 because the product was not labeled at that time for conifer seed orchard use. Research conducted with Imicide® for control of Douglas-fir gall midge and Douglas-fir cone moth larvae showed promising results, and registration was granted by the Oregon Department of Agriculture in August 2003 for its use in conifer seed orchards. Because the EA showed Imicide® to pose only a minimum risk to human health and the environment, a risk assessment is not needed and was not completed.

*Comment: Connected Actions not analyzed pursuant to NEPA: The EA does not address the “connected actions” of supplying seed to private industrial timber companies which will be regulated by state rather than federal laws.*

*Comment: Seed to be used for “ecosystem management projects”: On page 263 of the Resource Management Plan for the Eugene District of the BLM states that: “Seed orchards will be maintained and managed to produce seed as needed for ecosystem management projects.” However providing seed for private industrial companies is, quite simply, pure commodity extraction and not ecosystem management of public lands.*

Response To Previous Two Comments: It is unclear from your comments what you believe to be the environmental effect of “supplying seed to private industrial timber companies.” Analysis of the forest management practices of cooperators on private land would be beyond the scope of this EA.

It is also unclear from your comments why you believe that providing seed is “pure commodity extraction.” Production of Douglas-fir seed in a seed orchard is inherently sustainable.

The Proposed Action and alternatives are in conformance with the Eugene District Record of Decision and Resource Management Plan (RMP)(USDI Bureau of Land Management 1995), which states “Tree improvement programs have emphasized cooperative efforts for operational programs and research studies with state, private, and other government agencies. These partnerships will continue.” The cooperative seed venture between Tyrrell Seed Orchard and its private cooperators is an example of such a partnership; the cooperative itself is, however, outside the scope of this EA, which is limited to options for control of cone insects in 2004.

*Comment: Tyrrell has been administratively withdrawn, but is not exempt from applicable Federal Laws: This indicates that lands are withdrawn from timber harvest, but does not indicate they are exempt from applicable Federal Laws such as NEPA, Endangered Species Act, the Standards and Guidelines, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides, etc.*

Tyrrell Seed Orchard is required to follow all rules and regulations determined by NEPA, the Endangered Species Act, and FIFRA. However, because the orchard is administratively withdrawn, it does not fall under the standards and guidelines of the Northwest Forest Plan (RMP, p. 100), as stated in the EA (p. 3). You do not identify perceived violations of these federal laws.

*Comment: The proposed use of Imidacloprid by capsule implant may negatively impact the environment yet is not properly and fully analyzed in this EA, nor in the EIS which has not been finalized yet, nor in the Risk Assessment. The public can not properly review the NEPA documentation which is not yet before it.*

Response: This EA adequately addresses the environmental concerns of the proposed pesticide use, because the encapsulated delivery of this pesticide minimizes human and environmental exposure (EA, p. 4). You do not any identify perceived negative environmental effects that are not “properly and fully analyzed in this EA.”

*Comment: Imicide® formula contains 90% secret ingredients: imidacloprid the active ingredient is of toxicological concern, yet nothing is disclosed in this EA about these concerns: There is plenty of information regarding this chemical that should have been reviewed and provided to the public with information about the risks to the public, to workers, and to the environment that definitely was NOT provided. This omission violates NEPA.*

Response: The Environmental Protection Agency (EPA) says that Imicide® contains no other ingredients classified as being of either toxicological concern (List 1) or potentially toxic inert ingredients requiring additional testing (List 2). The inert portion of the formulation is proprietary information and is, therefore, unknown. BLM reviewed the toxicity, environmental fate, and ecological effects of Imicide®, and its active ingredient imidacloprid. You provided several references regarding Imicide® and imidacloprid. BLM has reviewed these references and finds no information inconsistent with the EA analysis. The EA states that the acute toxicity of imidacloprid to mammals is moderate, the chronic toxicity is low, and because of the delivery method and protective clothing, the effect on human health of the proposed action would be minimal (EA, p. 4). You do not identify specific information regarding this chemical that should have been provided in the EA to determine whether the proposed action would have significant impacts. More generally, you do not provide any basis for disputing the conclusion in the EA that the effect on human health and the environment would be minimal.

*Comment: The alternative A using Esfenvalerate by aerially application is also unacceptable. I hereby incorporate by reference all the comments I have previously submitted, protests submitted, and the appeal presently before the Interior Board of Land Appeals in opposition to the proposed alternative of using Esfenvalerate by aerially application (or by any means of application).*

Response: BLM provided response to your EA comments concerning the use of Esfenvalerate in spring 2003, as well as your protest and subsequent appeal of the decision on that action. Your comments here provide neither additional information nor any comments specific to the action considered in this EA.

*Comment: Draft EIS for IPM Management of Seed Orchards not final yet; I include, herein, by attachment, the comments I submitted for the Draft EIS for the IPM management of the Seed Orchards, as further comments on the proposed use of toxic chemical pesticide in the management of the Tyrrell Seed Orchard.*

Response: BLM will be providing responses to your comments on the draft EIS in the final EIS. Your comments here provide neither additional information nor any comments specific to the action considered in this EA.

#### Comments from Howard Dew and Response from BLM:

*Comment: Cascade Timber Consulting, Inc. favors the Alternative A. Proposed Action: Application of Imidacloprid by Capsule Injection and Alternative B. Application of Esfenvalerate Insecticide by Aerial Equipment. We believe that Alternative B. No Action is unacceptable considering the high value of the seed and the extremely low risk to wildlife and humans.*

Response: The value of the seed crop and the potential effects of insecticide application on human health and environmental safety will be considered in the decision-making process. The support of Cascade Timber Consulting, Inc. for adoption of either the Proposed Action or Alternative A (Application of Esfenvalerate Insecticide by Aerial Equipment) is noted.

#### Comments from Ted Reiss and Response from BLM:

*Comment: Seneca Jones Timber Company believes that injecting pesticides into seed orchard stock is a prudent use of pesticides and supports the proposed action as detailed. We do not support any alternative to this proposed action.*

Response: The support of Seneca Jones Timber Company for adoption of the Proposed Action is noted.

The interdisciplinary team did not identify any additional significant or major issues from public input that led to the development of an additional action alternative or revision of the EA.

## **CONSULTATION**

Federally-listed Oregon Coast Coho Salmon are found in Douglas Creek and Stream 8 within the Orchard, but consultation with the National Marine Fisheries Service (NOAA Fisheries) was not needed for the following reasons:

- No habitat is located near proposed project areas.

- Imicide is only mildly toxic to fish.
- Application using injected capsules would remove potential pathways for Imicide to directly reach water in streams from aerial drift or overland flow. Imicide residue may be found in needles falling from treated trees, but extensive vegetative buffers between the proposed project areas and habitat where listed fish are present would be expected to intercept the fallen needles, preventing the Imicide products from reaching listed fish habitat.

For these reasons, a determination for the Proposed Action of No Effect is made for Oregon Coast Coho Salmon. The determination for Essential Fish Habitat for Oregon Coast Coho Salmon and chinook salmon is No Effect.

## **PROTEST PROVISIONS**

This forest management decision may be protested under 43 CFR 5003 - Administrative Remedies. In accordance with 43 CFR 5003.2, the decision for this project will not be subject to protest until the notice of decision is first published in the Eugene Register-Guard on October 15, 2003. This published notice of decision will constitute the decision document for the purpose of protests of this project. 43 CFR 5003.2(b). Protests of the decision must be filed with this office within 15 days after first publication of the notice of decision.

## **IMPLEMENTATION DATE**

If no protest is received by the close of business (4:15 P.M. Pacific Standard Time) on October 30, 2003, this decision will become final. If a timely protest is received, this decision will be reconsidered in light of the protest and other pertinent information available in accordance with 43 CFR 5003.3.

Approved by: <u>Polly S. Elliott (Acting)</u>	<u>October 9, 2003</u>
For Julia Dougan	Date
Eugene District Manager	